

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 JUDITH J. LOACH
Deputy Attorney General
4 State Bar No. 162030
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5604
6 Facsimile: (415) 703-5480
E-mail: Judith.Loach@doj.ca.gov
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2013-57**

13 **MARICRUZ DEL CARMEN**
14 **LAMBERSON**
2850 Middlefield Road, Apt. 111
Palo Alto, CA 94306

ACCUSATION

15 **Registered Nurse License No. 768559**

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
21 of Consumer Affairs.

22 2. On or about February 18, 2010, the Board of Registered Nursing issued Registered
23 Nurse License Number 768559 to Maricruz Del Carmen Lamberson ("Respondent"). The
24 Registered Nurse License expired on August 31, 2011, and has not been renewed.

25 **JURISDICTIONAL STATUTES**

26 3. This Accusation is brought before the Board of Registered Nursing ("Board"),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

6. Section 118, subdivision (b), of the Code provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

DISCIPLINARY STATUTES

7. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct

"(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action."

COST RECOVERY

8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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1 CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct – Out-of-State Discipline)

3 9. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
4 section 2761, subdivision (a)(4). The facts in support of this cause for discipline are as follows:

5 a. On or about November 17, 2011, Respondent appeared before the Indiana State
6 Board of Nursing ("Indiana Board") *In the Matter of the License Renewal Application of:*
7 *Maricruz Lamberson, License No 28138297A, Cause No. 2011 NB-562.*

8 b. Respondent advised the Indiana Board that in August 2011, she was convicted of
9 operating a vehicle while intoxicated in Ohio. She further advised the Indiana Board that she had
10 been placed on criminal probation to be completed by August 2012.

11 c. On December 21, 2011, the Indiana Board granted Respondent a probationary
12 license, placed her on indefinite probation pending completion of her criminal probation and/or
13 recovery monitoring with the Indiana State Nurses Assistance Program.

14 PRAYER

15 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
16 and that following the hearing, the Board of Registered Nursing issue a decision:

17 1. Revoking or suspending Registered Nurse License Number 768559, issued to
18 Maricruz Del Carmen Lamberson;

19 2. Ordering Maricruz Del Carmen Lamberson to pay the Board of Registered Nursing
20 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and
21 Professions Code section 125.3; and

22 3. Taking such other and further action as deemed necessary and proper.

23 DATED: July 18, 2012

24 *for* LOUISE R. BAILEY, M.ED., RN
25 Interim Executive Officer
26 Board of Registered Nursing
27 Department of Consumer Affairs
28 State of California
Complainant

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